

COMMONWEALTH OF MASSACHUSETTS

Worcester, S.S.

To either of the Constables of the Town of Athol, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Athol, qualified to vote in the election and Town affairs, to meet in the Memorial Building in said Athol on Monday, October 16, 2017 at 7 p.m., then and there to act on the following articles:

Article 1 To see if the Town of Athol will vote to amend the Athol Zoning Bylaws Article III, by adding the following, Section 3.28, Mill Revitalization Overlay District (MROD) to the Athol Zoning Bylaw.

Section 3.28. Mill Revitalization Overlay District

3.28.1. Purpose

The intent of this section is to create an overlay district that allows for the adaptive reuse of existing historic mills in the Town of Athol that are underutilized. These regulations are to encourage redevelopment by providing greater flexibility for redevelopment of large scale, underutilized historic mill properties while upholding the interests of public health, safety, and welfare through guidelines for neighborhood compatibility and other standards.

The Mill Revitalization Overlay District is intended to:

- Promote the economic health and vitality of the Town by encouraging the preservation, reuse and redevelopment of underutilized historic mill properties;
- Allow for the conversion of Athol's existing historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
- Encourage mixed-use development that includes, but is not limited to light manufacturing, offices, commercial, retail and/or service establishments, community facilities, and multi-family housing.

3.28.2 General

The Mill Revitalization Overlay District (MROD) is hereby established as an overlay district. All requirements pertaining to the underlying district(s) shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternate to such requirements. Existing mill structures of more than twenty thousand (20,000) square feet of floor area can be converted to a Mixed Use Development subject to the requirements of this Section 3.28. An historic mill is defined as an existing structure at least 50 years old that was at one time used for manufacturing and has historic value to the Town of Athol. Where a Special Permit is required for any of the provisions of this MROD Zoning

Bylaw or underlying district zoning requirement, the Board of Planning and Community Development shall act as the Special Permit Granting Authority.

One of the purposes of this bylaw is to retain large mill structures on the site as historic resources. To that end, pre-existing buildings that are part of the MROD development shall retain their original external look and form and feel consistent with their historic character to the greatest extent possible.

Demolition of any structure or portion thereof that totals greater than 5% of the existing mill complex square footage shall require a Special Permit.

3.28.3 Location

The MROD is located and bounded as shown on a map entitled “Mill Revitalization Overlay District (MROD), Athol, MA, prepared by the Director of Planning and Community Development, dated June 7, 2017,” and on file with the offices of the Town Clerk, Building Department and Planning and Development. Inclusion of additional parcels in the Town of Athol for other mill buildings may be added in the future subject to approval by 2/3 of Athol Town Meeting Voters.

3.28.4 Application Procedures

3.28.4.1 Single Point of Contact

The Director of Planning and Community Development shall serve as the Single Point of Contact (SPOC) for all parties for all projects submitted under the MROD Bylaw. All submissions, applications, plans, drawings, etc. shall be submitted to the SPOC, who will then distribute to the appropriate town officials and boards within three (3) business days (unless a greater time period is agreed upon by the Applicant). It shall be the responsibility of the Town officials and boards to provide their comment and input to the SPOC who will provide the Applicant with a consolidated report.

3.28.4.2 Pre-Application Review Meeting

Any applicant for a Mill Revitalization Overlay District project is strongly encouraged to present general sketches to the Town of Athol prior to an official application in an informal capacity. This process shall be in the format of a pre-application review meeting to take place during normal business hours and include the Director of Planning and Community Development, the Town Manager, Building Inspector, and representation from the Board of Planning and Community Development, Conservation Commission, Department of Public Works, Fire Department, Police Department, Board of Selectmen, Historical Commission, and Board of Health.

3.28.4.3 Site Plan Review process. The application procedures, plan requirements and Board of Planning and Community Development Action process under Section 3.18 shall govern the MROD application process with the exception of having a SPOC per Section 3.28.4.1.

3.28.4.4 Fees

Application fees charged for minor or major site plan review within the MROD shall be consistent with the standard fee as established by the Board of Planning and Community Development for non-MROD developments but shall have a maximum fee of \$5,000.00.

3.28.5 Uses

3.28.5.1 Within a MROD, all of the use provisions of the underlying zoning district shall apply, except for the following uses which shall be allowed by-right:

- multi-family over two families,
- Residential use of upper floors in building used for commercial purposes
- artist's and hand craft lofts,
- dance studios
- music academies,
- Art center,
- Community Center, and
- Re-occupation of space previously approved as part of a Special Permit for any use customarily allowed by-right or by Special Permit within the MROD overlay;

3.28.6 Dimensional Requirements

Renovation or redevelopment of existing structures within the MROD are exempt from Section 2.6, Intensity of Use Schedule. New additions or structures added within the MROD development must meet the required setback distance and height requirements of Section 2.6. However, the Special Permit Granting Authority may reduce front, side and rear yard setbacks, minimum lot area, and minimum frontage to as low as zero feet as part of a Special Permit. If a new subdivision of existing parcels is created with reduced frontage, approval by the SPGA is required and shall include an agreement that provides for cross-parking and access among the lot(s) with adequate access ensured from the public way to said lot(s).

3.28.7 Number of Parking Spaces

The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. In lieu of the requirements of Section 3.6 Parking, the number of parking spaces shall be computed using the following: 1.2 spaces per residential dwelling unit and 1.5 spaces for each one thousand (1,000) square feet of other permitted uses. The Special Permit Granting Authority may reduce the required number of parking spaces where the applicant demonstrates that an adequate number of spaces will be provided. For example, parking for non-competing uses such as daytime commercial/business uses and nighttime residential may be shared. In a MROD Development, parking shall not be required to be maintained upon the same lot but must be within 1,000 feet of the property which it is intended to serve, measured from property line to property line. The minimum dimensions for off-street parking spaces, exclusive of drives and maneuvering spaces, shall be as follows:

Space	Equivalent 90° Width	Equivalent 90° Depth
Regular	8 1/2 feet	18 feet
Compact Car	7 1/2 feet	16 feet
Handicapped	12 feet	18 feet

In all parking facilities, a combination of regular and compacted spaces may be provided; however, no more than thirty-five (35) percent of the required spaces shall be designated for compact cars.

3.28.8 Loading Requirements – A minimum of 1 shared loading berth shall be provided. Additional loading berths may be required by the Special Permit Granting Authority based on projected uses and the need for adequate off street loading and unloading.

3.28.9 Signs

In lieu of the requirements of Section 3.9 of the Zoning By-law, signs for a MROD Development shall comply with the standards hereby enumerated below. The set of sign types indicated in numbers 1-6 shall also require a Building Permit in addition to meeting these zoning requirements.

1. Principal signs are those located at the main entrance of a building and shall not exceed 10% of the area of the wall to which they are affixed. The area of the sign shall be calculated inclusive of any lettering or logos.
2. Signs affixed to a building in a parallel manner shall not extend more than twelve (12) inches from the wall to which they are affixed. Signs affixed to a building in a perpendicular manner shall not extend above the height of the building.
3. Roof mounted signs existing prior to the date this By-law was adopted and in existence prior to the redevelopment of an MROD site are grandfathered and can remain or be replaced by a sign of equivalent or smaller size. Wording, logos, or other content on a grandfathered sign can be changed from time to time as uses and names change. Sign content shall be for identification purposes only.
4. Secondary signs are allowed at side entrances of the building. These signs shall not occupy more than 10% of the wall to which they are affixed.
5. Free-standing signs shall be permitted to be maintained at the vehicular entrances to a MROD Development, provided the height of such ground sign shall not exceed twenty (24) feet and the sign area shall not exceed 150 square feet per side. Signs shall be placed such that they do not block vehicular or pedestrian visibility causing an unsafe condition.
6. Directional signs within the parking areas shall be permitted. Off-site directional signs shall be permitted in accordance with Section 3.9.1.6.
7. Lighting for signs shall be provided by steady illumination internal to the advertising matter, by steady backlighting, or by lighting exterior to the advertising matter by white steady stationary light shielded and directed solely at the sign. Signs illuminated internally or by backlighting shall be illuminated, situated or screened so as to avoid

causing glare into neighboring residential premises that existed at the time this By-law was adopted.

8. Flashing or animated signs, strings of flags, spinners or other similar devices which tend to divert the attention of motorists shall not be permitted.
9. Temporary signs shall be allowed (up to 12 months) per the following:

SIGN TYPE	NUMBER PERMITTED	MAXIMUM SIZE IN SQ. FT.	LOCATION/OTHER	TYPE OF PERMIT
a. Sale or Rent	2		Unlighted	None
b. Construction	1		Unlighted	None
c. Window	Unlimited		Illuminated by Bldg.	None
d. Special Event	2	32 sq. ft.	Unlighted	On-Site: None Off-Site: Board of Selectman
e. Directional	Unlimited	40 sq. ft.	Unlighted	Building
f. Political	Unlimited		Unlighted	None
g. Banners			Unlighted	Building

Signs for an MROD Development that do not comply in all respects with the standards set forth above in this section 3.28.8 shall require and be subject to the issuance of a signage special permit by the Special Permit Granting Authority. In granting any such permit the Special Permit Granting Authority shall find that the location, nature, and use of the premises are such that the proposed sign or signs may be permitted in harmony with the general purpose and intent of this Section. In granting any such permit, the Authority shall specify the size, height, type, and location of the sign and impose such other terms, restrictions, and conditions as it may deem to be in the public interest.

3.28.10 Special Permit Procedures. Where an application for a Special Permit is required as part of permitting a MROD development, said application shall be filed in accordance with the requirements of the underlying zoning that applies to the special permit requirement and the Board of Planning and Community Development Filing Requirements & Fees, as most recently adopted, with the exception of having a SPOC per Section 3.28.4.1.

3.28.11 Special Permit Criteria. In addition to the findings required in Section 1.2.6.2, the Special Permit Granting Authority, as designated pursuant to Section 3.28.2, must also find that the proposal does not contravene the purposes of this section; *or act in relation thereto*.

Article 2 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Sections 3.18.6.1(2) and (3), by deleting the following language:

(2) Applicants for Minor Site Plan Approval shall submit a copy of the Site Plan and narrative as defined in sections 3.18.6.3 and 3.18.6.4, to the Town Clerk. Applicants shall also submit a copy of the Site Plan and narrative as defined in 3.18.6.3 and 3.18.6.4 to the Conservation Commission, Board of Health, Historical Commission, Department of Public Works, Fire Chief, Zoning Agent/Building Inspector and Police Chief for their advisory review and comments.

(3) The applicant shall submit proof of receipt from all of the departments listed above together with eight (8) copies of the application to the Town Clerk who will deliver seven (7) copies to the Planning Board. In addition, the application submission to the Town Clerk shall also include a labeled or clearly marked electronic copy (CD or other medium) of all materials with each submittal.

And replacing it with the following:

(2) Applicants for Minor Site Plan Approval shall submit a total of sixteen (16) copies of the Site Plan and narrative as defined in sections 3.18.6.3 and 3.18.6.4 with the Board of Planning and Community Development. The Office of the Board of Planning and Community Development shall acknowledge receipt of these plans by endorsing them by signature and the date of receipt. One copy of the site plan, application form and narrative, along with the filing fee shall be given by the applicant to the Town Clerk to be kept on file. The date of the receipt by the Town Clerk shall be the official filing date. In addition, the application submission to the Town Clerk shall also include a labeled or clearly marked electronic copy (CD or other medium) of all materials with each submittal.

(3). The Office of the Board of Planning and Community Development shall distribute copies of the Site Plan and narrative to the following municipal departments, boards and commissions for review and comment: Conservation Commission, Building Inspector/Zoning Agent, Department of Public Works, Board of Health, Board of Selectmen, Fire Department, Police Department, and Historical Commission; *or act in relation thereto.*

Article 3 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Sections 3.18.7.1(3) and (4), by deleting the following language:

(3) Applicants for Major Site Plan Approval shall submit a copy of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4 to the Town Clerk. Applicants shall also submit a copy of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4 to the Conservation Commission, Board of Health, Historical Commission, Department of Public Works, Fire Chief, Zoning Agent/Building Inspector and Police Chief for their advisory review and comments.

(4) The applicant shall submit proof of receipt from the all of departments listed above together with eight (8) copies of the application to the Town Clerk who will deliver seven (7) copies to the Planning Board. In addition, the application submission to the Town Clerk shall also include

a labeled or clearly marked electronic copy (CD or other medium) of all materials with each submittal.

And replacing it with the following:

(3) Applicants for Major Site Plan Approval shall submit a total of sixteen (16) copies of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4 with the Board of Planning and Community Development. The Office of the Board of Planning and Community Development shall acknowledge receipt of these plans by endorsing them by signature and the date of receipt. One copy of the site plan, application form and narrative, along with the filing fee shall be given by the applicant to the Town Clerk to be kept on file. The date of the receipt by the Town Clerk shall be the official filing date. In addition, the application submission to the Town Clerk shall also include a labeled or clearly marked electronic copy (CD or other medium) of all materials with each submittal.

(4). The Office of the Board of Planning and Community Development shall distribute copies of the Site Plan and narrative to the following municipal departments, boards and commissions for review and comment: Conservation Commission, Building Inspector/Zoning Agent, Department of Public Works, Board of Health, Board of Selectmen, Fire Department, Police Department, and Historical Commission; or act in relation thereto

Article 4 To see if the Town will vote to amend the Athol Zoning Bylaws Article II Section 2.3, Other Uses by changing the permitted use category of Ground-Mounted Solar Photovoltaic Installations by deleting the following language:

2.3 Use Regulation Schedule	RA	RB	RC	CA	CB	G	I
Ground-Mounted Solar Photovoltaic Installations	Y	Y	Y	Y	Y	Y	Y

And replacing it with the following:

Ground-Mounted Solar Photovoltaic Installations	SP	SP	Y	SP	SP	SP	SP
---	----	----	---	----	----	----	----

;or act in relation thereto.

Article 5 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24.2 by adding the following language:

This bylaw does not pertain to solar carport canopies over existing rows of parking spaces. Such installations are considered Accessory Uses under Section 2.3 and are subject to the State Building Code; *or act in relation thereto.*

Article 6 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24.8.1 by deleting the following language:

3.24.8.1 Setbacks: For ground-mounted solar photovoltaic installations, front, side and rear setbacks must observe all yard requirements applicable to the principal structure as defined in section 2.6, Intensity of Use Schedule. The Permit Granting Authority may increase these setbacks if they determine it to be appropriate.

And replacing it with the following:

3.24.8.1 Setbacks: For ground-mounted solar photovoltaic installations, front, side and rear setbacks must observe all yard requirements applicable to the principal structure as defined in section 2.6, Intensity of Use Schedule, for all zoning districts except the Rural Single-Family Residential (RC) Zoning District. The Permit Granting Authority may increase these setbacks in these districts if they determine it to be appropriate. For ground-mounted solar photovoltaic installations in the RC Zoning District front, side, and rear setbacks are all required to be at least 75 feet. The Permit Granting Authority may reduce the minimum setback distance in the RC District as appropriate based on project and site-specific considerations, such as solar array type, topography, tree cover, etc., to allow for consideration of factors that may mitigate glare and other impacts to abutters, e.g. topography, tree cover, solar array technology, etc., which may reduce visual impacts, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section. In no case, however, shall the front, side or rear yard setback be less than the setbacks of the RC zoning district per Section 2.6.; *or act in relation thereto.*

Article 7 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24.8 by adding the following language, creating subsection 3:

3.24.8.3 Lot Size Requirements.

Ground-mounted solar photovoltaic installations shall be permitted on lots larger than 5 acres in the Rural Single-Family Residential (RC) Zoning District. In all other districts, the minimum lot area requirements of Section 2.6 shall apply; *or act in relation thereto.*

Article 8 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24.9 by adding the following language, creating subsection 4:

3.24.9.4 Design Siting Criteria for Agricultural or Existing Open Space Locations

In consideration of approving ground-mounted solar photovoltaic installations on land that is in agricultural use, prime agricultural farmland, or other pervious open space locations, the Planning Board has developed the following design criteria in siting such installations:

- a) no removal of all field soils;
- b) existing leveled field areas left as is without disturbance;

- c) where soils need to be leveled and smoothed, such as filling potholes or leveling, this shall be done with minimal overall impact with all displaced soils returned to the areas affected;
- d) ballasts, screw-type, or post driven pilings and other acceptable minimal soil impact methods that do not require footings or other permanent penetration of soils for mounting are required, unless the need for such can be demonstrated;
- e) any soil penetrations that may be required for providing system foundations necessary for additional structural loading or for providing system trenching necessary for electrical routing shall be done with minimal soils disturbance, with any displaced soils to be temporary and recovered and returned after penetration and trenching work is completed;
- f) no concrete or asphalt in the mounting area other than ballasts or other code required surfaces, such as transformer or electric gear pads;
- g) address existing soil and water resource concerns that may be impacted to ensure the installation does not disturb an existing soil and water conservation plan or to avoid creating a negative impact to soil and water conservation best management practices, such as stimulating erosion or water run-off conditions;
- h) limited use of geotextile fabrics; and
- i) maintain vegetative cover to prevent soil erosion; *or act in relation thereto.*

Article 9 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24.10 by adding the following language, creating subsection 3:

3.24.10.3 Landscaping and Screening.

Ground-Mounted Solar Photovoltaic Installations shall be screened from view by a staggered and grouped planting of shrubs and small trees. Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. The species mix and depth of screening shall be determined by the Planning Board during site plan review based on site specific conditions with existing natural vegetation being used to the greatest extent possible; *or act in relation thereto.*

Article 10 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24.10 by adding the following language, creating subsection 4:

3.24.10.4 Control of Vegetation

Herbicides may not be used to control vegetation at the solar electric installation. Mowing and grazing underneath the solar array are possible alternatives; *or act in relation thereto.*

Article 11 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24 by re-numbering the existing section entitled, Section 3.24.13 Severability, to a new Section 3.24.15:

3.24.15 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby; *or act in relation thereto*.

Article 12 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24 by adding the following language, creating section 3.24.13 Waivers:

3.24.13 Waivers

1. The Planning Board may waive strict compliance with any requirement of the Design Standards, Safety and Environmental Standards section of this bylaw, or any rules and regulations promulgated hereunder, where:
 - (a) Such action is allowed by federal, state and local statutes and/or regulations;
 - (b) It is in the public interest;
 - (c) It is not inconsistent with the purpose and intent of this by-law.
2. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.
3. All waiver requests shall be discussed and voted on by the Planning Board.
4. If the Planning Board deems additional time or information is required in the review of a waiver request, the Planning Board may continue the request for a waiver; *or act in relation thereto*.

Article 13 To see if the Town will vote to amend the Athol Zoning Bylaws Article III Section 3.24 by adding the following language, creating section 3.24.14 Rules and Regulations:

3.24.14 Rules and Regulations

The Planning Board may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw and G.L. c. 40A and other provisions of the General Laws, including the Subdivision Rules and Regulations of Town of Athol, Massachusetts, and shall file a copy of said Rules and Regulations with the Town Clerk. Said Rules and Regulations may provide for an application fee schedule for ground-mounted solar photovoltaic installation

application submittals and methods for calculating the financial surety required under Section 3.24.12.3; *or act in relation thereto.*

Article 14 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money to pay an invoice from Cabot Risk Strategies from fiscal year 2016; *or action in relation thereto.*

Article 15 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money to pay invoices from Worcester Regional Retirement System for calendar years 2014 and 2015; *or action in relation thereto.*

Article 16 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay its portion of costs for a feasibility study of Athol High School for the Massachusetts School Building Assistance program; *or act in relation thereto.*

Article 17 To see if the Town will vote to amend Article 8 of the June 11, 2012 Annual Town Meeting and repurpose \$35,000 voted to replace the boiler at Pleasant Street School to fund general repairs at Pleasant Street School; *or act in relation thereto.*

Article 18 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for costs associated with centralizing police, fire and emergency medical dispatch functions at the Athol Police Department; *or act in relation thereto.*

Article 19 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for personnel costs attributable to centralizing police, fire and emergency medical dispatch functions at the Athol Police Department; *or act in relation thereto.*

Article 20 To see if the Town will vote to amend Section IV Compensation Schedule of the Personnel Bylaws by deleting the following language:

Hourly Paid Employees	Minimum	Maximum
Dispatchers, Part Time	9.73	15.00

and replacing it with the following:

Hourly Paid Employees	Minimum	Maximum
Dispatchers, Part Time	Minimum Wage	Step 1 Dispatcher Rate per collective bargaining agreement

;or act in relation thereto.

Article 21 To see if the Town will vote to authorize and direct the Board of Selectmen to file with the Massachusetts Legislature a petition for special legislation to remove the Part-Time Officers of the Athol Police Department from the provisions of M.G.L. c. 31, the civil service law and the regulations promulgated thereunder, provided that such legislation shall not impair the civil service status of incumbents in the position of fulltime and part-time police officers upon the effective date of such legislation; *or act in relation thereto.*

The Finance Committee will hold a meeting on the foregoing articles on Tuesday, Sept. 26, 2017 at 6:30 p.m. in Room 21 and thereafter as necessary. You are hereby directed to serve the warrant by posting attested copies hereof in the Quabbin Valley Healthcare, Post Office of said Town, the uptown branch of the Athol Savings Bank and the Memorial Building of said Town, fourteen days, at least before the time for holding said meeting and by publishing a notice of said meeting in a newspaper having general circulation in the Town, fourteen days at least, before the time for holding said meeting.

Hereof, fail not, and make due return of the warrant with your doings thereon unto the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 19th day of September in the year two thousand and seventeen.

William J. Caldwell

Holly A. Young

Stephen R. Raymond

Rebecca J. Bialecki

Lee E. Chauvette
Chairman
ATHOL BOARD OF SELECTMEN

I have served the within warrant by posting up an attested copy, thereof in the Quabbin Valley Healthcare in the Town of Athol, United States Post Office in the Town of Athol, the uptown branch of the Athol Savings Bank in the Town of Athol and the Athol Memorial Building and a notice published in the Athol Daily News having general circulation in the Town on Monday, September 25, 2017. I mailed a copy to each member of the Finance and Warrant Advisory Committee, Moderator, Town Counsel and the Board of Planning and Community Development and have returned this warrant to the Clerk of the Town of Athol within my doings hereon on Monday, September 25, 2017.

Kevin Materas, Constable

Date